

BUREAU OF AUTOMOTIVE REPAIR

FINAL STATEMENT OF REASONS

Hearing Dates:

April 3 and 4, 2002

Subject Matter of Proposed Regulations:

BAR-97 Emission Inspection System
Specifications (Addenda 7 and 8)
dated December 2001

Section Affected:

§§ 3340.16, 3340.16.5, 3340.16.7,
3340.17, 3340.32, 3340.42 and
3340.50, Title 16, Division 33,
Chapter 1, Article 5.5, California
Code of Regulations

Updated Information:

The Initial Statement of Reasons is included in the file. No changes have been made which would warrant a change to the information contained therein.

Objections or Recommendations/Responses:

There were no comments, nor were there any objections/recommendations made or received, regarding the proposed action.

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Business Impact:

Smog Check Stations

This regulation will have a significant effect on smog check stations operating in the enhanced program areas since they will have to purchase new Bureau certified software for their BAR-97 EIS analyzers. Equipment manufactures have indicated to BAR that the price of the new software should be no more than \$1,500, and in some cases, could be as little as \$800, depending on the equipment brand and whether the equipment is covered by a service agreement.

Since the Bureau does not have the statutory authority to regulate inspection prices, it is anticipated that inspection costs will rise as stations attempt to recoup their investment in the new software.

Consumer Impact

As mentioned above, stations will more than likely increase the inspection price to offset the expenditures for the new software. Even using the higher cost of \$1,500, the average station in the enhanced program areas could recover that cost in a six-month period by increasing the price of an inspection by a little less than \$3. Since smog checks are only required every two years and upon a vehicle's transfer of ownership, the increased price of an inspection is not a cost incurred monthly or even annually. However, there are approximately 6,533,382 vehicles inspected annually in the enhanced areas of the state. Based on this, the Bureau estimates that the overall impact to consumers from the increase in test prices will total approximately \$19,600,146.

Specific Technologies or Equipment:

This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

While the program enhancements have been identified at a macro or program level, the actual implementation occurs at the station level. In essence, the software that resides in each BAR-certified emissions analyzer guides the technician through the proper smog check inspection procedure and provides a mechanism for the technician to enter the relevant data into the analyzer. In other words, a change to the Program necessitates changes to analyzer software.

For example, as mentioned earlier, one of the critical Program improvements is the loaded-mode testing of heavy-duty vehicles. Heavy-duty vehicles cannot be subjected to the loaded-mode test without the station's use of the revised software. The same is true for tougher cut-points and fuel evaporative pressure testing; without the revised software, smog check technicians cannot be guided through the inspection procedure.

Moreover, Section 44036 of the Health and Safety Code requires smog check stations to use specific technologies and equipment, as certified by the Bureau. This section also requires the Bureau to adopt operational and certification standards and specifications for the required equipment and authorizes periodic revision.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.